

## Department of Public Works



# COUNTY OF SAN MATEO

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March 16, 2011

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Dear PEG Access Proposers:

**Re: Decision on Protest Regarding Public, Education, and Governmental Access  
Television Unincorporated Coastsides and City of Half Moon Bay**

### Background

In response to a Request for Proposals (“RFP”) for Public, Education, and Governmental (“PEG”) Access Television for the unincorporated coastsides (El Granada, La Honda, Montara, Moss Beach, Pescadero, and Princeton) and City of Half Moon Bay (City) for the Comcast subscribers residing in these areas, the County of San Mateo (County) Public Works Department received three proposals. The proposers were Mid-Coast Television, Inc. (MCTV), Pacifica Community Television (PCT), and Peninsula TV, Inc. (PenTV).

In accordance with the RFP, the proposals were referred to an Evaluation Committee, which was comprised of the production manager for Contra Costa TV (a PEG provider), the business manager for San Bruno Cable TV, the former executive director of the Media Center (PEG access for communities surrounding and including the City of Palo Alto) and a resident of

Pescadero who is the station manager for KPDO (public radio) in Pescadero. After reviewing the three submitted proposals, interviewing representatives from each of the proposers, watching a sampling of programming, and in certain cases a video of their studios and operations, the Evaluation Committee recommended the commencement of negotiations with Pacifica Community Television. All proposers received a letter on February 17, 2011, stating that based upon the recommendation of the Evaluation Committee, the County and the City intend to commence contract negotiations with Pacifica Community Television.

The RFP also allowed the filing of protests. The February 17, 2011 letter stated that any protest must be filed by February 28, 2011, and, as guidance noted that “a successful protest will include sufficient evidence and analysis to support a conclusion that the selected proposal taken as a whole is an inferior proposal.” On February 28, 2011, the County and City received one protest letter submitted by Mid-Coast Television, Inc.

The three proposals and materials relevant to the RFP have been reviewed in consideration of the protest. Each proposer has access to all three proposals, copies of the rating sheets, and the Mid-Coast Television, Inc. protest.

### **Decision on Protest**

Based on the totality of information presented by each of the proposers, we are denying Mid-Coast Television, Inc.’s protest, and recommending that the Board of Supervisors and the City Council begin contract negotiations with Pacifica Community Television to provide PEG Access television to the Comcast subscribers residing in the coastside unincorporated areas of the County (El Granada, La Honda, Montara, Moss Beach, Pescadero, and Princeton), as well as the City of Half Moon Bay. In summary, this determination is based on the following:

- PCT, a nonprofit cable TV foundation, is the nation's oldest community media center, chartered to provide PEG programming for the City of Pacifica. PCT has won numerous awards including two Emmy’s, Cable TV awards and two Community Media Center of the Year awards.
- PCT has demonstrated the ability and a clear vision for providing PEG access to the unincorporated coastside and City of Half Moon Bay. In its written proposal and oral presentation, PCT demonstrated an ability to: (1) provide the required governmental programming set forth in the RFP; (2) provide public access through the public’s use of its studio by the public, training opportunities in broadcasting, editing, media, as well as submission of materials by the public for broadcast; and (3) provide educational programs and videos currently available on its station.

- In addition to meeting the requirements of the RFP, PCT offered additional ideas, activities and opportunities to engage and increase PEG access for coastside residents. PCT proposes to implement community engagement strategies currently being used in Pacifica as well as additional opportunities for community engagement. PCT has an active volunteer and intern base that provides on-going support for the delivery of programming. PCT offers community education through workshops on camera operations, remote production, floor direction, audio operations, and computer graphics. PCT offered to use a social media website to facilitate improved accessibility to the station. PCT specializes in local origination programming, which they believe engages community interest and activism, facilitates more programming than would otherwise be feasible, and encourages residents to, essentially, be the media. PCT has experience broadcasting the annual Fog Fest and other community events. Through its current activities in Pacifica, PCT has established a shared sense of coastal identity.

The MCTV protest included numerous issues. The significant and relevant issues are listed below along with a response to each. As set forth below, the issues raised in the MCTV protest do not support a conclusion that the PCT proposal, taken as a whole, is an inferior proposal.

### **Response to Issues Raised in MCTV's Protest**

#### **Public Meeting Coverage**

##### **Issue:**

The PCT proposal does not include a specific explanation of how and at what cost PCT will offer a full range of Mid-Coast public meeting programming. The PCT proposal contains no specific commitment to tape the meetings of the Cabrillo Unified School District, Coastside County Water District, Sewer Authority Mid-Coast, Granada Sanitary District, or Montara Water & Sanitary District.

##### **Response:**

The RFP required programming of the public meetings for the following three agencies: San Mateo County Board of Supervisors, Half Moon Bay City Council, and the Mid-Coast Community Council. The PCT proposal indicates that it will be able to provide all required programming (pg.4). The PCT budget reflects the costs for such programming.

The RFP also requested that the proposers indicate their ability to provide non-required programming or meeting coverage for five local government entities, four of which were identified by MCTV above. The PCT proposal indicates that PCT will be able to provide this non-required programming as well (pg.5). As noted in the MCTV protest, each of these five

entities currently pays their own fees for the coverage of these meetings. The Financial Summary section of the PCT proposal (pg. 11) also provides a commitment to all 8 required and non-required programming.

### **Ability to Archive Meetings**

#### **Issue:**

PCT proposes to archive public meetings only by uploading them for viewing on the web.

#### **Response:**

The RFP only required proposers to set forth a work plan that includes a timeline for the implementation of services and stated: "Elements of the plan may include: ... Public Meeting Archives." PCT's proposal states that within a day of taping, each meeting will be archived on the web and available for viewing at any time (pg. 4). The RFP did not require that an archive of tapes or DVDs be kept in addition to that on the web.

The RFP did require that digital recordings of each of the required programs be produced (Pen TV currently produces the County of San Mateo Board of Supervisors meetings), televised on the PEG channel, and made available online in a timely manner. It is anticipated that PCT will be able to provide copies of archived programming. Archiving of programming and provisions for providing copies of programming on DVD upon request can be specified in the service agreement.

### **Live Video Feeds for the City of Half Moon Bay City Council and Mid-Coast Community Council Meetings**

#### **Issue:**

MCTV questions the ability of PCT to produce live video feeds from the Ted Adcock Center located in the City of Half Moon Bay and the Seton Coastside Medical Center located in Moss Beach.

#### **Response:**

The RFP required programming of the public meetings for following three agencies: San Mateo County Board of Supervisors, Half Moon Bay City Council, and the Mid-Coast Community Council. While the RFP did not specify that these meetings be broadcast live, the PCT proposal states that live coverage of these meetings is preferred. The current franchise agreement between the County and Comcast requires Comcast to maintain two locations for insertion of live and taped programming. These locations are the Seton Coastside Medical Center (meeting place for

Mid-Coast Community Council) and MCTV. In addition, Comcast also has live feed for the Ted Adcock Center where the City Council meets. PCT and the County are in discussion with Comcast regarding the provision of live feed from the Ted Adcock Center and Seton Coastside Medical Center.

The input regarding the importance and value of live feed for the City Council and Mid-Coast Community Council meetings to the community is appreciated and will be discussed during the contract negotiations.

### **Web Streaming Video and Video on Demand**

#### **Issue:**

The PCT proposal states that it will “upload the digital file to the web so they can be seen at any time”. MCTV contends that PCT does not have the capability to do this and that PCT should be required to provide video on demand and provide upgraded web streaming of programming.

#### **Response:**

The RFP specified that the required programming be made available online in a timely manner. Neither the current contract nor the RFP require either video on demand or web streaming of programming. The provision of video on demand requires the purchase of a server or contract with a vendor to provide the service. Whether or not it is deemed necessary to include either of these items in the contract will be discussed during the contract negotiations.

### **Programming Scheduling Concerns**

#### **Issue:**

MCTV questions PCT’s ability to place the same content that it broadcasts on Channel 26 in Pacifica on Channel 27 for the coastside. It further questions how the programming content that is on Channel 26 can be integrated into the programming of the public meeting broadcasts.

#### **Response:**

The RFP did not specify channel placement and the PCT proposal did not provide the details regarding the use of one or two channels. It is anticipated that many programs that currently exist on PCT will be of interest to the coastal PEG viewers. The details related to the program integration and scheduling will be discussed during the contract negotiations.

## **Community Involvement Programming**

### **Issue:**

In its response to the RFP, PCT designates its Executive Director Martin Anaya as a Liaison. MCTV contends that because Mr. Anaya resides in Sacramento he would not be readily available.

### **Response:**

PCT is accessible to the public through e-mail, telephone, and in person. PCT is conveniently located in Pacifica and its office is staffed and open to the public. The hours are posted on its web site and reflect that it is open to the public from 1:00 pm-6:00 pm Monday through Saturday. As described earlier, PCT has an active studio, which is open to the public, interns, and volunteers.

### **Issue:**

PCT is silent as to whether PCT has communicated with coastside business and agencies to “evaluate the feasibility of their proposals for generating community partners, media alliances, or creating a media center serving both Pacifica and the coastside.”

### **Response:**

In Section j. “Marketing” of its proposal (pg. 8), PCT outlines its key strategies for community involvement. There was no requirement for any proposer to state whether or not it specifically communicated with community partners to evaluate the feasibility of the proposed strategies. Based upon the experience of PCT in the communities it currently serves, it has an understanding of what is feasible.

Please see the information set forth in PCT’s proposal sections entitled: “Generating Community Partners”, “Media Alliances that Create Visibility for PCT and Public Access Television”, “Become the Local Media Center not Only for Pacifica but Also the Coast”, and “Viral Communications in the 21st Century”. Within each of these sections, PCT describes some of its current approaches to engaging the City of Pacifica residents, many of which would be utilized for engaging coastside residents. The strategies include involvement of government and community-based organizations, and working with target groups based on community needs. PCT proposes to increase public awareness of public access television through partnerships and joint community publicity efforts. PCT also offers a unique opportunity to be a media center for the coast and to teach basic television production, as well as hands on technical training for computers, consumer camcorder training, computer graphics, internet and e-mail, consumer editing of home movies and community radio.

**Issue:**

The PCT proposal has no references or letters of support.

**Response:**

PCT's proposal includes letters of support or recommendation of PCT from agencies that it is currently working with or collaborating with on projects or programming. These letters evidence strong support, particularly in the areas of established partnerships, quality of work, excellence in service, community-based and community-focused activities, commitment to the provision of community service, provision of services that assist residents in understanding complex issues, the ability to work with people of different generations, quality of PCT facility, and dedication of PCT staff. All of the letters of support are from agencies that are familiar with the programming, training, and services currently offered by PCT.

**Issue:**

The proposal indicates no effort to serve the La Honda –Pescadero area.

**Response:**

The RFP is to operate a PEG access television channel for the Comcast subscribers residing in the coastside unincorporated areas of the County (El Granada, La Honda, Montara, Moss Beach, Pescadero, and Princeton), as well as the City. There was no requirement to separately specify the service for each of the areas in the proposal. PCT does not state that any of the required service areas in the RFP will not be served. The contract will be for all of the service areas set forth in the RFP.

**Use of Social Media for Promoting PEG Access**

**Issue:**

In its proposal PCT states that it is building a social media hub and refers to a beta version of the hub. MCTV questions this statement as there was no social media site located at "[pct26.microcommunity.org](http://pct26.microcommunity.org)".

**Response:**

A beta version of PCT's social media site exists as outlined in the PCT proposal. The reason why MCTV could not locate the social media site is because the web address used by MCTV as listed in its protest is incorrect. The correct website is the address as listed in PCT's proposal: "[pct26.mirocommunity.org](http://pct26.mirocommunity.org)".

### **Financial and Budgetary Issues**

**Issue:**

The anticipated revenue included in the PCT proposal was not based on the 2010 revenue received by MCTV from the County and City.

**Response:**

The RFP document was released December 7, 2010 and thus, the financial data for 2010 was not available for the proposers. The RFP contained information for 2007, 2008 and 2009.

**Issue:**

PCT's proposal does not take into account funding from the County's PEG capital fund or the City's 1% DIVCA fund, which were included in the MCTV's proposal.

**Response:**

The RFP did not contain information regarding PEG capital payments made by Comcast to the County in accordance with County's franchise agreement with Comcast. Due to the fact that the next Comcast payments will be received in May 2011 and May 2016, there will be no such payments made during the three year term of the agreement that commences in September 2011 and ends in September 2014. Accordingly, it was deemed not necessary to give this information to the proposers. MCTV appears to have included a proration of the 2016 payment even though the payment will not be received during the term of the agreement.

Similarly, the City's 1% DIVCA fund was not included in the RFP. MCTV appears to have included this amount in its budget even though there has been no determination by the City as to whether these funds will be paid to the future PEG access provider.

**Issue:**

MCTV is firmly committed to operate within the actual franchise fee revenues received from Comcast even if they decline.

**Response:**

Unlike the other proposals, MCTV's proposal states that if either the County of San Mateo or the City of Half Moon Bay materially reduce the existing level of franchise fee or PEG support funding available, it reserves the right to withdraw its proposal.



As set forth in the RFP, the 2009 franchise fee payments from the County and City to the current PEG provider totaled \$73,000. For the first contract year, PCT's budget listed franchise fee payments of \$73,000; PenTV listed a franchise fee payment of \$60,000; and MCTV listed a franchise fee payment of \$90,000. In addition, unlike the other proposals MCTV also included \$6,000 in anticipated receipt of the 2016 PEG capital funding and \$21,000 in the 1% DIVCA funding, which has yet to be determined.

### **Overall Quality of PEG services**

#### **Issue:**

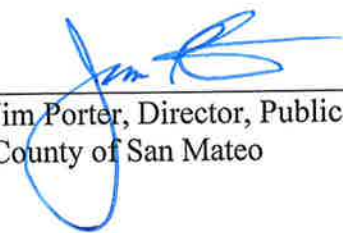
PCT states that it will give service that far exceeds the current operator's capability. MCTV states that this is a "blatant misrepresentation." PCT has fewer technical capabilities than MCTV.

#### **Response:**

As discussed above PCT has indicated that it will provide the required and non-required levels of programming, the details of which will be included in the contract. PCT has also committed to provide services that were not required by the RFP, which have been set forth in this decision on the protest.

### **Conclusion**

Taken as a whole, we believe that the Pacifica Community Television proposal best fits the operational and community needs for a PEG television channel for Comcast subscribers residing in the coastside unincorporated areas of the County and the City of Half Moon Bay. For the reasons set forth above, the protest is denied. Staff will review and consider the recommendations contained in the MCTV protest relating to terms to include in the contract for services with Pacifica Community Television.

  
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Jim Porter, Director, Public Works  
County of San Mateo

/s/ \_\_\_\_\_  
Laura Snideman, City Manager  
City of Half Moon Bay